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| EXAMINER |
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HOLLOWAY III, EDWIN C

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| ART UNIT | PAPER NUMBER |
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2635

DATE MAILED: 01/30/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/169,839

Applicant(s)

HINDUS ET AL.

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-17,19-27,29-36 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-17,19-27,29-36 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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EXAMINER'S RESPONSE

1. In response to applicant's amendment filed 11-4-03, all the amendments to the claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 112

2. The prior 112 rejections are overcome by applicant's amendments.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 4-6, 7-10, 22, 25, 27 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458) in combination with Ise (US 5257307).

Richardson discloses a two way paging system with a presence signal. In view of page 8 of applicant's specification, the call back number and/or additional message in col. 4 lines 21-22 or "call me at home" in col. 10 lines 34-36 of Richardson, or any paging message corresponds to a presence signal. The transmitting device may be provided by a telephone 125/135 or computer 145 connected to a telephone line

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141/142/149 in fig. 2 and col. 3 lines 22-45 where a first user or caller enters a message. In the conventional telephone system, the transmitting devices are at the same location as the telephone line to which they are connected. The virtual pagers 242 function as receiving devices at a second location. The second location may change, but this is not precluded by the claims. The receiver includes programmed messages such as catch words in cols. 4 and 9-11, but they are programmed by the user of the receiver. Also, col. 11 line 54 - col. 12 line 13 disclose pre-recorded messages entered or programmed by a subscriber functioning as a first user to be presented to an originator functioning as a second user, but this interpretation would lack first location with physical line.

Ise discloses an analogous art paging system and method where canned messages are stored on memory cards of two transceivers. Canned messages programmed onto one card are copied to second card so that messages programmed by a first user are stored in the memory of the second device. See col. 7 lines 37-44 This provides advantages such as permitting secret communication, reducing the amount of data transmitted and the number of key operations. Ise also discloses a pager coupling to a telephone line to send a message in fig. 5 and col. 8 line 41 - col. 10 line 52 to avoid the labor and errors compared to

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user operating a telephone directly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have to have included in Richardson a pager as a first and/or acknowledgment transmitting device with coupling to the base station provided by a telephone line at the location of the pager as disclosed Ise to avoid the labor and errors compared to user operating a telephone directly and suggested by the transmitting pre-recorded messages from the pager to the originator in Richardson. The pager communicating to a telephone in Ise would place the pager at the physical location of the telephone. It further would have been obvious to have included copying of the memory card of Ise for advantages such as permitting secret communication, reducing the amount of data transmitted and the number of key operations.

Regarding claim 25, since the transmitter and receiver of Ise have memory cards⁴⁵ with paired messages, they are matches pairs.

5. Claims 19-21, 23-24 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458) and Ise (US 5257307) as applied above and further in view of Will (US 5479408).

Will discloses a two way paging system as claimed. In view

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of page 8 of applicant's specification, the acknowledgments, responses, original messages, location tracking, or any paging message corresponds to a presence signal. This allows highly reliable message delivery. See the abstract. Preprogrammed messages and responses can be defined by a user to be presented to another user as an original message or a response. A picture frame is included in figs. 6a-c, 8a-c and cols. 11-12. for quick and easy instillation. Col. 3 includes messages selecting from preprogrammed or composed by the user corresponding to modifying messages. See for example, Col. 5 lines 14-31, col. 16 lines 48-61, col. 19 lines 35-53, col. 16 line 20 - col. 28 line 36 and col. 36 line 61 - col. 37 line 35.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the frame of claims 19-21 and 38-41 in view of the frame of Will in an analogous art system for quick and easy instillation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the message modification in view of the message composing in Will for highly reliable message delivery.

Will discloses transceiver in figs. 4A-4C which is considered to be a picture frame because it holds a photo ID 46.

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This frame includes a touch sensitive switch or key 48. A relay station is shown in figs. 6A-6C and 8A-8B to include a picture frame discussed on pages 11-12, and if it is not clear that the transceiver is a with key 48 is a frame then it would have been an obvious various in location of parts or obvious integration of parts to have combined transceiver with key 48 and the picture frame for user input. It further would have been obvious to have included this frame in the system of Richardson in order to identify the user or to blend into the environment.

6. Claims 3, 23-24, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458) and Ise (US 5257307) as applied above and further in view of LaPorta (US 5959543) .

LaPorta discloses an analogous art two way paging system with group call message modification (abstract, col. 14) and it would have obvious to have included such in the combination applied above to provide a more advanced set of transaction services.

7. Claims 11, 14-16 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458) and Ise (US 5257307) as applied above and further in view of Segal (US 5644627) and Poland (US 5401947) .

Segal discloses an analogous art two way paging system with

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indication by audible or voice message, visual LED or LCD, or tactile signal (cols. 4-5). Tactile is vibratory or haptic motion. Poland discloses an analogous art selective indicator with heated (thermochromic) liquid crystal ink markings printed on a display. It would have obvious to have included such indicators in the combination applied above to provide the user the convenience and flexibility of selecting from the various indicator modes and the heated LCD is suggested by Richardson indicating use of any well known visual display such as LCD in col. 7 and will showing LCD in col. 4A.

8. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458), Ise (US 5257307), Segal (US 5644627) and Poland (US 5401947) as applied above and further in view of Easterling (US 5651049).

Easterling discloses an analogous art paging system with a receivers embedded in objects such as stuffed animals and it would have been obvious to have included such in the combination applied above in order to relate the receiver to the corresponding user or message recipient.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458) and Ise (US 5257307) in view of Segal (US 5644627) and Poland (US 5401947) as applied above and further in view of McLaughlin (US 4975694).

McLaughlin discloses an analogous art paging receiver with a multiple color LED or lamp indicator and it would have been obvious to have included such in the combination applied above in order to provide multiple indications with a single lamp.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458), Ise (US 5257307), Segal (US 5644627) and Poland (US 5401947) as applied above and further in view of Park (US 5733131).

Park discloses an analogous art paging receiver with a mechanical control such as movement of the mouth of a stuffed animal (fig. 2) and telephone input to the paging system (fig. 1). It would have been obvious to have included such in the combination applied above in order to provide inexpensive educational and/or entertainment device.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458) and Ise (US 5257307) as applied above in view of Shapira (US 5086394).

Shapira discloses an analogous art paging system with matched pairs and if matched pairs are not clear in Ise, then it would have been obvious to have included such match pairs in the combination applied above in order to provide introduction of users.

Response to Arguments

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12. Applicant's arguments filed 11-4-03 have been fully considered but they are not persuasive. Applicant's argument that the prior art lacks a first receiving device located at a first physical location and a second receiving device located at a second physical location because Richardson and Ise teach at least one station as being a radio pager device is not persuasive because the pager of Ise includes coupling to a telephone. To be coupled to the telephone the pager of Ise is located at the physical location of the telephone and communicates a signal over the physical data line associated with this location.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Edatsune (US 5802488) discloses a speech recognition device in a stuffed dog that recognizes inputs such as "I'm home."

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

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statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


CONTACT INFORMATION

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is (703) 305-4700.

Facsimile submissions may be sent via fax number (703) 872-9314 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
1/25/04


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635